

SENATE RESOLUTION No. ____

DIGEST OF INTRODUCED RESOLUTION

A SENATE RESOLUTION urging the Legislative Council to assign to the Sentencing Policy Study Committee the issue of pretrial diversion programs.

BRAY

_____, read first time and referred to Committee on _____



Introduced

First Regular Session 114th General Assembly (2005)

SENATE RESOLUTION

MADAM PRESIDENT:

I offer the following resolution and move its adoption:

A SENATE RESOLUTION urging the Legislative Council to assign to the Sentencing Policy Study Committee the issue of pretrial diversion programs.

Whereas, the determination of whom to prosecute is within the sole discretion of prosecuting attorneys;

Whereas, Indiana law grants prosecuting attorneys authority to withhold formal prosecution in certain cases to allow defendants an opportunity to successfully complete an alternative course of action;

Whereas, these pretrial diversion and deferred prosecution programs are used frequently by prosecuting attorneys throughout the state;

Whereas, while pretrial diversion agreements are required to be filed with the court, persons participating in such programs are not under direct court supervision;

Whereas, a comprehensive study of the use of pretrial diversion and deferred prosecution programs has never been conducted;

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Whereas, such a study would prove very valuable in determining the full extent of the use of these programs, the revenue generated from fees associated with the programs, and whether there is a need for more specific guidelines for the utilization of the programs and the fees associated with the programs; and

Whereas, the Sentencing Policy Study Committee is charged with evaluating Indiana's sentencing laws and policies and is therefore the appropriate body to undertake such a study: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

1 SECTION 1. That the Legislative Council is urged to assign to the
2 Sentencing Policy Study Committee the topic of the use of pretrial
3 diversion and deferred prosecution programs by Indiana prosecuting
4 attorneys.

5 SECTION 2. That the Secretary of the Senate is hereby directed
6 to transmit a copy of this Resolution to the Chair and Vice-Chair of the
7 Legislative Council.

